

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

AUGUSTIN GALVIN-GARCIA, Jr.,

Petitioner,

vs.

Civil Action 2:12-CV-261
Criminal No. 2:10-CR-225(3)
Judge Marbley
Magistrate Judge King

UNITED STATES OF AMERICA,

Respondent.

ORDER and REPORT AND RECOMMENDATION

Respondent filed its response to the motion to vacate under 28 U.S.C. § 2255 on August 3, 2012. Doc. No. 159. Under these circumstances, it is **RECOMMENDED** THAT petitioner's August 31, 2012 motion for default judgment, Doc. No. 162, be denied.

Respondent is **ORDERED** to provide another copy of its response to petitioner. Petitioner may have until September 30, 2012, to file his traverse.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. F.R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Federation of Teachers*,

Local 231 etc., 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*,
638 F.2d 947 (6th Cir. 1981).

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge

Date: September 5, 2012